IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10670 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VAKATSINGH JEETSINGH CHAWDA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10670 of 2000

MR PK HANDA for Petitioner No. 1

SUNITA S CHATURVEDI for Petitioner No. 1

MS HARSHA DEVANI, AGP for Respondent No. 1

RULE UNSERVED for Respondent No. 2

RULE SERVED for Respondent No. 3

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 07/01/2002

ORAL JUDGEMENT

#. The petitioner was serving in the Police Department as constable and ultimately he is retired from service on superannuation on 30.4.1986. During pendency of the inquiry, it seems that, he was paid provisional pension for sometime and as per the order passed at Annexure-B so far as the petitioner is concerned, departmental proceedings were dropped against him. It is submitted by Mr.Handa, learned advocate for the petitioner that after exoneration, he was paid full pension. The grievance of the petitioner is that, when the departmental proceedings against him are dropped, the Government should be directed to pay interest on the delayed payment of gratuity and the amount of commuted pension which was also paid at the later stage.

#. Ms.Devani, learned AGP, submitted that the department is taking necessary action for payment of interest so far as gratuity amount is concerned. She further submitted that, for the first year, interest will be paid at the rate of 7% per annum and the same will be paid at the rate of 10% per annum for the subsequent years till the amount is actually paid towards gratuity. It was also submitted by her that appropriate orders will be passed in this behalf for payment of interest on delayed payment of gratuity amount as per the Government Resolutions dated 13.5.1986 and 17.7.1991.

#. In view of the aforesaid statement, the respondents are directed to finalise the question of payment of interest payable to the petitioner as per the Government Resolutions for the delayed payment of the gratuity amount and whatever amount is required to be paid to the petitioner, the same shall be paid to the petitioner within two months from the date of receipt of the copy of this order. It is submitted by Mr.Handa that, even the provisional pension was not paid for about four years. So far as the claim about interest on the delayed payment of pension is concerned, it will be open for the petitioner to make necessary representation to the concerned authority. If such representation is made, the authority may take appropriate decision in accordance with law within a period of two months from the date of receipt of such representation. If the said decision is against the petitioner, it will be open for the petitioner to challenge the same in accordance with law. It will be open for the petitioner to submit the certified copy of this order to the authority for expeditious procedure of payment of interest. Rule is accordingly made absolute to the aforesaid extent.

(P.B.Majmudar,J)

(pathan)